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10/801,516	03/16/2004	Carmody Quinn	QUIN-13	3180

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EXAMINER
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DENG, ANNA CHEN

ART UNIT	PAPER NUMBER
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2191

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/801,516

Applicant(s)

QUINN, CARMODY

Examiner

Anna Deng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004, 12 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This action is in responses to application filed on 3/17/2004.
2. Claims 1-16 are pending and have been examined.

***Oath/Declaration***

3. A new oath or declaration is required because the oath or declaration does not comply with 37 CFR 1.63 in that it does not identify the citizenship of each inventor. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

***Drawings***

4. The drawings submitted on 7/12/2004 after the filing date (3/16/2004) of the application did not labeled as either "Replacement Sheet" or New Sheet" pursuant to 37 CFR 1.121 (d).

Both drawings, filed on 3/16/2004 and 7/12/2004, are objected to because there is no numbering for the elements or steps in the drawing. Elements or steps in the drawings need be numbering and cooperate with the Specification to facilitate understanding the invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the

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filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities: there is no numbering to match the elements or steps in the Drawing. It does not be written in "full, clear, concise, and exact terms" to understand the elements or steps in the drawings of the application.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 8-9, and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As in claims 8-9, the subject matter "the subsequent step of again reconfiguring said second computer, after said step c), to a least partially/wholly reverse said step b)" was neither in the specification nor the drawings. In the interest of compact prosecution, this limitation is subsequently interpreted as --the subsequent step of again reconfiguring said second computer to use said settings--; as in claim 12, the subject matter "defined user variables" was not described in the specification or drawings. Thereafter the subject matter is interpreted to variables related to user.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. In independent claim 1, the omitted steps are: steps for reconfigure said second computer to use said settings and in accordance with said settings.

Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps between "after said step c)", and "to at least/wholly partially reverse said step b)".

Claims 2-7, and 10-16 are rejected under 35 U.S.C. 112, second paragraph because they depend on claim 1.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-5, 7, 11-13, and 15-16 are rejected under 35 U.S.C. 102 (e) as being anticipated by Gere US 2004/0019778 A1 (hereinafter Gere).

**Per Claim 1:**

Gere discloses:

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- A method of transporting a customized user interface environment, based on an operating system which permits customization of user interface environments but which does not itself directly provide for machine-independent invocation of a customized environment (par. 0013), comprising the actions of, at various times:
  - a) operating a utility on a first computer to store customized program-specific settings (FIGS. 1-3, a bootable operating system environment 340 of a first machine 300, par. 0036);
  - b) operating a second utility on a second computer to reconfigure said second computer to use said settings (FIG. 3, transferred to a second machine, "a bootable operating system environment of a first machine (e.g., computer system 300) is ejected from the first machine and transferred to a second machine (e.g., computer system 100)", par. 0037); and thereafter
  - c) operating said second computer in accordance with said settings (FIG. 3, allow the new operating system environment 340 to boot properly on the new machine, computer system 100, par. 0037-0038).

**Per Claim 2:**

Gere discloses:

- The method of claim 1, wherein said step a) stores said settings onto a portable data medium (FIG. 2, "the stored operating system environment can be coupled to the computer system using a removable media", par. 0015, 0038).

**Per Claim 3:**

Gere discloses:

- The method of claim 1, wherein said step a) also stores environmental settings ("an identity object includes hardware and software configuration information regarding the computer system", par. 0014).

**Per Claim 4:**

Gere discloses:

- The method of claim 1, wherein said step a) stores registry entries (identity object, par. 15, lines 7-15; as well known in the art, registry entries are the information necessary to configure the system for one or more users, applications, and hardware devices, Gere teaches the identity object include such information, and it is read in the limitation of registry entry).

**Per Claim 5:**

Gere discloses:

- The method of claim 1, wherein said step b) retrieves said settings from a portable data medium for use (FIG. 4, steps 401- 403, "where a bootable instance of an operating system environment is stored on a storage media (e.g., removable disk drive...etc.)... the stored operating system environment on the storage media is then accessed from the currently running operating system environment of the second machine", par. 0045).

**Per Claim 7:**

Gere discloses:

- The method of claim 1, wherein said step a) stores said program-specific settings for only some of the programs on said first computer, as manually selected in an operation which does not involve manual installation of programs ("provide such functionality to the user while retaining its inherent "original" personality", par. 0040; command selections, par. 0049, liens 21-25).

**Per Claim 11:**

Gere discloses:

- The method of claim 1, further comprising the steps of saving any configuration changes made during said steps b) or c), and synchronizing said configuration changes onto said first computer (par. 0038).

**Per Claim 12:**

Gere discloses:

- The method of claim 1, wherein said step a) stores defined user variables (par. 0015, lines 11-15; the identity object includes user information, such as network id, gateway addresses, domain names, application servers, etc).

**Per Claim 13:**

Gere discloses:

- The method of claim 1, wherein said step a) stores link library files (FIG. 1, object Library 102-103, par. 14, and par. 49, lines 4-15)

**Per Claim 15:**

Gere discloses:

- The method of claim 1, wherein said step a) also automatically captures at least some data files which are identifiably associated with programs for which settings are stored in said step a) (FIG. 4, step 404, par. 0045).

**Per Claim 16:**

Gere discloses:



- The method of claim 1, wherein said step b) also automatically identifies program update needs ("identity object 336 is then impressed onto the stored operating system environment 313 to update the stored operating system environment in accordance with the characteristics of the computer system 100", par. 0039).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6, 8-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gere US 2004/0019778 A1 (hereinafter Gere), in view of Hamilton, II et al. US 2002/0147938 A1 (hereinafter Hamilton).

**Per Claim 6:**

Gere teaches b) operating a second utility on a second computer to reconfigure said second computer to use said settings (Gere, FIG. 3, par. 0037); Gere does not explicitly teach wherein said step b) checks for possible conflicts before reconfiguring said second computer. However, Hamilton teaches wherein said step b) checks for possible conflicts before reconfiguring said second computer (Hamilton, FIG. 7, steps 715-755, par. 0062).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Gere to include wherein said step b) checks for possible conflicts before reconfiguring said second computer using the teaching of Hamilton. The modification would be obvious because one of ordinary skill in the art would be motivated to implements portability of an operating environment and allow an operating environment to transfer to removable storage (Hamilton, par. 0012).

**Per Claim 8:**

Gere teaches b) operating a second utility on a second computer to reconfigure said second computer to use said settings; and thereafter c) operating said second computer in accordance with said settings (Gere, FIG. 3, par. 0037-0038), Gere does not explicitly teaches further comprising the subsequent step of again reconfiguring said second computer, after said step c), to at least partially reverse said step b). However, Hamilton teaches further comprising the subsequent step of again reconfiguring said second computer, after said step c), to at least partially reverse said step b) (Hamilton, FIGS. 4 and 8, par. 0063).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Gere to include further comprising the subsequent step of again reconfiguring said second computer, after said step c), to at least partially reverse said step b) using the teaching of Hamilton. The modification would be obvious because one of ordinary skill in the art would be motivated to implements portability of an operating environment and allow an operating environment to transfer to removable storage (Hamilton, par. 0012).

**Per Claim 9:**

Gere teaches b) operating a second utility on a second computer to reconfigure said second computer to use said settings; and thereafter, c) operating said second computer in accordance with said settings (Gere, FIG. 3, par. 0037-0038), Gere does not explicitly teaches further comprising the subsequent step of again reconfiguring said second computer, after said step c), to wholly reverse said step b). However, Hamilton teaches further comprising the subsequent step of again reconfiguring said second computer, after said step c), to at least partially reverse said step b) (Hamilton, FIGS. 4 and 8, par. 0058, lines 11-19).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Gere to include further comprising the subsequent step of again reconfiguring said second computer, after said step c), to wholly reverse said step b) using

the teaching of Hamilton. The modification would be obvious because one of ordinary skill in the art would be motivated to implement portability of an operating environment and allow an operating environment to transfer to removable storage (Hamilton, par. 0012).

**Per Claim 10:**

Gere teaches c) operating said second computer in accordance with said settings (Gere, FIG. 3, par. 0037-0038), Gere does not explicitly teach further comprising the subsequent step, after said step c), of automatically erasing all temporary files created on said second computer during said step b). However, Hamilton teaches further comprising the subsequent step, after said step c), of automatically erasing all temporary files created on said second computer during said step b) (Hamilton, FIG. 8, step 890, cleanup, par. 0064, lines 18-19).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Gere to include further comprising the subsequent step, after said step c), of automatically erasing all temporary files created on said second computer during said step b) using the teaching of Hamilton. The modification would be obvious because one of ordinary skill in the art would be motivated to implement portability of an operating environment and allow an operating environment to transfer to removable storage (Hamilton, par. 0012).

**Per Claim 14:**

Gere teaches a) operating a utility on a first computer to store customized program specific settings, Gere does not explicitly teach wherein said step a) stores a record of any version conflicts of DLLs or system services. However, Hamilton teaches wherein said step a) stores a record of any version conflicts of DLLs or system services (Hamilton, FIGS. 3 and 7, par. 0057, and par. 0062, lines 14-24).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Gere to include wherein said step a) stores a record of any version conflicts of DLLs or system services using the teaching of Hamilton. The modification would be obvious because one of ordinary skill in the art would be motivated to implement

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portability of an operating environment and allow an operating environment to transfer to removable storage (Hamilton, par. 0012).

**Conclusion**

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be reached on Monday to Friday 9:30 AM - 5:30 PM.

It attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at 571 -272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anna Deng     A.B.  
February 1, 2007

*May Steelman*  
*Primary Examiner*  
*2.1.2007*